



Date: November 30, 2005
To: Members of the Marine Advisory Commission
From: Mark A. Sandoval, Manager of Marinas and Beaches
Subject: MEETING MINUTES OF NOVEMBER 17, 2005
MARINE ADVISORY COMMISSION (MAC)

Commissioners Present

Richard L. Miller, Chair
Bradley Whyte, Vice Chair
Mike Malbon
Holly Carpenter
Harry Hutton
Randy Crawford
Mike Reed
Peter Hogenson
Dave Calhoun

Commissioners Absent

Marine Bureau Personnel

Mark Sandoval, Manager
Vivian Crook, Secretary

City Staff

Jeff Edwards, Supt. Maint. Oper. Bureau
Paul Wawrzynski, Captain, Marine Safety, LBFD
Tom Keleher, LBPD Sergeant, Marine Patrol
Dave Akins, Officer, Marine Patrol
Avonne Gravel, Admin. Analyst, 3rd Dist.
Robert Lafoon-Villegas, Admin. Analyst, 2nd Dist.
Dennis Eschen, Manager, Plan.&Devel.Bureau

Guests

Amy Bently-Smith, Grunion Gazette
Joe Segura, Press Telegram
Don Cobleigh, LBMBOA
John Hancock, BANCAP Investment Group
B.J. Conte, Arts & Crafts
Laura Kennedy
Gary DeLong
Eric Forsen

Chairman Miller convened the meeting at 1:30 p.m., at the Long Beach Yacht Club.

ROLL CALL

Mark Sandoval called the roll of commissioners and introduced Marine Bureau personnel and City staff. Guests introduced themselves.

CONSENT CALENDAR

The October 13, 2005, MAC minutes were reviewed and approved with a change on page four under Marine Maintenance Report, paragraph six, first line to read, "....ABM buoy channel markers are not there...."

PUBLIC COMMENT

- none

OLD BUSINESS

Commissioner Malbon stated that a change in managing the size transfer list in relation to the waiting list is still under review.

NEW BUSINESS

- **Tree Trimming Policy**

Mark Sandoval asked Jeff Edwards to walk the MAC through some of the history of tree trimming in the marinas.

Jeff Edwards explained that up until about five years ago the City did much of its own tree trimming through the Department of Public Works. When resources within the City became inadequate, the Departments contracted out for services. About that time, environmental issues arose regarding trimming trees during the nesting activities of protected birds in the tidelands. A meeting was held with Councilman Colonna's staff, a group of concerned citizens, the Audubon Society, and the California Department of Fish and Game to discuss the issue. As a result, a verbal agreement was established determining under what conditions trees could be trimmed. These conditions were dictated by State Law and Federal requirements and stated that anytime there is any type of nesting activity of a protected species in the trees surrounding the marinas (beginning with courtship, mating, nest building, through the fledging process and ending when the birds become juveniles and can fend for themselves) trees cannot be trimmed. A professional ornithologist was hired to come out and survey the trees in the marina several weeks prior to the trimming. Also, a volunteer group from the Audubon Society replicates the ornithologist's process; their reports have always been in concurrence.

Nesting season generally occurs from about January 15 through about July 15. However, these dates are not hard and fast. In Marina del Rey and other areas in Southern California, a phenomenon referred to as asynchronous nesting occurs, where nesting is seen in a broader spectrum of time. This is why the marina area is surveyed, so that no trimming is done while birds are nesting. The problem occurs when trees are not trimmed at the right time to stop the palm trees from producing blossoms. The blossoms contain tannin, and when they get wet they stain. The ideal time to trim the trees so that the blossoms are eliminated is during nesting season. Since this cannot be done, the trees are trimmed just before nesting season and right after the juveniles become fledglings and can fend for themselves. The Department gets a significant number of complaints about the blossoms, however the Department is following the established guidelines. Fortunately, to date Fish and Game has investigated all complaints and found the Department to be in compliance.

Mark Sandoval asked that MAC support the Tree Trimming Policy.

Jeff Edwards said, bottom line, no trimming may be done in any tree in which nesting activity is occurring. Conversely, trimming may be done in any tree in which no nesting activity is occurring, except if the tree is closer than 50 yards to a tree where nesting activity is occurring.

Vice Chairman Whyte asked if the trees could be sterilized? Jeff Edwards responded that he didn't know, but that he would look into it.

Someone suggested that the trees be removed. Mark Sandoval responded that the City has adopted a citywide policy, which states that for every tree removed, two will replace it. This can be very costly.

Commissioner Crawford said that "Bird X" is non-toxic and keeps the birds out of the area. Mark Sandoval said that he would look into it.

Jeff Edwards stated that the problem is not the birds, the problem is the seedpods or berries from the trees that stain the boats. He said that there are solutions that can be explored. However, the City needs to comply with the regulations for trimming until such time as a solution to eliminate the damage to the boatowner's boats can be developed.

Bud Lorbeer and Robert Cirac, boatowners in ABM, said that blossoms from trees have caused thousands of dollars worth of damage to their boats. Blossoms also stain their cars. Robert Cirac said that he has the same trees in his yard and that he trims them back severely twice a year so that they won't produce berries.

Mark Sandoval suggested that the issue be placed in the Operations Committee for further review.

Jeff Edwards commented that trees have to be trimmed for safety reasons, and that they are trimmed properly and professionally. However, the City is legally prevented from trimming at the most effective time to prevent the blossoms.

Chairman Miller stated that the Operations Committee will review the issue to try to find a permanent solution. He also stated that the MAC must support the Department's tree trimming policy so that they do not conflict with the environmentalists.

It was moved by Commissioner Malbon and seconded by Commissioner Carpenter that the MAC support the Tree Trimming Policy as presented, and deal with the issue further at the December Operations Committee meeting. The motion passed unanimously.

- **Sunday Arts and Crafts Market in the Alamitos Bay Marina Parking Lot**

Mark Sandoval said Conte Productions has requested to hold a weekly arts and crafts market in ABM on Sundays, in the furthest northwest section of the public lot, until 3 p.m. Coastal Commission will need to approve it, and then it will go before the City Council for a contract. The contract will include a 30-day termination clause.

B.J. Conte said that she has been at the Downtown Promenade for 15 years. She said that her items are high-end and not swap meet items. She said that the vendors take a lot of time setting up their displays. Vendors are charged a flat fee for space.

Mark Sandoval stated that this market will have an impact on the area, though minimal, and will bring revenue into the marinas.

Chairman Miller remarked that parking and traffic in the area are major concerns and will need to be closely monitored.

Commissioner Crawford remarked that the more successful the market is, the more impact it will have on the boatowners.

Commissioner Malbon stated that when the Farmer's Market first started there were traffic problems. It is better now, but there is still a lot of traffic in the area. He asked if there was a plan to deal with traffic problems, as he would not want to see a repeat of the Farmer's Market's first days.

Mark Sandoval said that the public will be cited for parking in boatowner spaces, porta-potties will be provided for the public, and a "potty guard" will be stationed at the boatowner rest rooms to keep the public out.

Don Cobleigh asked that traffic be controlled at the entrance to the market for safety reasons.

It was moved by Commissioner Crawford and seconded by Commissioner Hogenson that the MAC support a weekly Sunday Arts and Crafts Market in the Alamitos Bay Marina Parking Lot. The motion passed unanimously.

- **Kennedy Appeal of Cancellation**

Laura Kennedy addressed the MAC regarding the cancellation of her permit for non-payment. Ms. Kennedy has been cancelled 8 times in five years. She explained that she took on a new job that pays less and has put a strain on her finances. She said she found a slip in Wilmington with liveaboard, but would prefer ABM. She stated she couldn't promise that she wouldn't have this same problem again, and that if she were cancelled she would probably sneak around into empty slips. She said she is looking for a part-time job but hasn't found one that will work around her current schedule.

Commissioner Crawford was concerned that she is cutting her finances so finely, that if she has any problem of any kind she'll be in the same position again.

Mark Sandoval stated that the reality is that there are rules that other boaters abide by. He did say that she had not had a payment problem in the last two years. He felt that the Rules and Regulations Committee should review this issue.

Vice Chairman Whyte recommended that she not withdraw her name from the list in Wilmington, until she sees the outcome of this situation. He stated that there are rules for a reason and everyone that is cancelled has a reason. He cautioned the need for MAC to be very careful when setting precedence.

Commissioner Malbon remarked that she needed to put a financial plan in place, that her lifestyle is not in line with her income, and that something needed to change, either her lifestyle or her income earning process.

It was moved by Vice Chairman Whyte and seconded by Commissioner Malbon that the MAC Operations Committee review Laura Kennedy's cancellation appeal. The motion passed unanimously.

- **Increase In Impound and Storage Fee**

Mark Sandoval explained that the \$0.60 cent per foot per day impound fee does not provide a significant deterrent for someone who is desperate for a slip. Right now the fee charged for impound is the same as the guest end-tie rates, plus a \$100 impound fee. He recommended that the storage fee be raised to \$3.00 per foot per day, to encourage the boater to get their boat out of impound.

Commissioner Crawford recommended the fee be raised to \$5.00 per-foot per day; otherwise boatowner won't take it seriously.

Mark Sandoval expressed his concern about raising the fee too high because some boatowners eventually do come in and pay the impound/storage fee. He is concerned that if the fee is too high the boatowner won't be able to pay it. He felt that the \$3.00 rate would be enough of a persuasion.

It was moved by Commissioner Crawford and seconded by Vice Chairman Whyte that the MAC support a \$5.00 per-foot per-day rate in the Storage Fee. Commissioners Reed and Hutton opposed the motion. The motion passed.

BUREAU MANAGER'S REPORT

Marina Operations Report

Mark Sandoval gave the report for the Marine Bureau Major Accomplishments, the Monthly Fund Budget Report for ABM/LBSM/RBH, the Total Vessels In and Out by Marina, and the Slip Status Report for the month of October.

Mark Sandoval said that the Bureau has reached the point where there is enough attrition in the 30 and 35-foot slips in ABM to allow transfers from LBSM. He stated that the transfer lists and waiting lists are moving in certain sizes.

Maintenance Operations Report

Jeff Edwards gave the Marine Maintenance status report for the month of October.

- Buoys are ready to be installed in the ABM entrance channel. Marine Maintenance anticipates having them in place prior to Thanksgiving.
- The Christmas "Trees in the Bay" are in place and will be lit on Thanksgiving Day at 5 p.m.
- Commissioner Hogenson reported graffiti along the bike path at the rest room at Claremont that has been there for a couple for months now.

Jeff Edwards said he would look into it and remarked that staff is removing graffiti every day. He said that the City is experiencing a rash of graffiti not seen in previous years.

- Commissioner Malbon asked about progress on the purchase of a steam cleaner for the new docks in LBSM.

Jeff Edwards said he approved a purchase order on Monday and should have it within the next few weeks.

- Jeff Edwards explained that the Grunt (dredge tender) is 40 years old and its use is prioritized by safety. He further explained that marginally unstable items may get pushed down the priority list in order to handle something that is more catastrophic. Maintenance is trying to catch up on a lot of these items that need to get done.

Marine Safety Report

Captain Paul Wawrzynski gave the Marine Safety status report for the month of October.

- Marine Safety Division participated in community forum on disaster October 29. The program was well received by departments that participated and the public that attended.
- Marine Safety will participate in Annual Swift Water Drill at Lake Castaic on December 7. This is a multi-agency crew quarter drill.
- Commissioner Whyte complimented Marine Safety Officers Hudson and Parker. He said they were very helpful and polite when he needed their assistance in LBSM.

Don Cobleigh told of how he fell off his boat and into the water in ABM. He said that Lifeguards came out to assist him by pulling him on his side, parallel to the dock, leaning back and rolling him over onto the dock. He asked if there could be a training program to educate the boaters by showing them some of the techniques used by Lifeguards. He said this could be a lifesaver if there is no one else around.

Paul Wawrzynski said that he would look into his request.

Marine Patrol Report

Sergeant Tom Keleher reported on Marine Patrol activities for the month of October.

- Officer Akins distributed a flyer giving information on the Marina Watch Program.
- Sergeant Keleher reported that two bodies recovered; one on the beach by the Belmont Pool (a local Long Beach man), and the other by Gangway 13 in ABM (still a John Doe).
- Marine Patrol Officers recovered four stolen vehicles this last month.
- Marine Patrol Officers interrupted an attempted rape at the Molina Lifeguard Station.
- Still under investigation are two reports of grand theft submitted by The Seal Beach Yacht Club.
- A vessel stolen from the marina was recovered in Avalon.
- Two officers left the Marine Patrol Division to go on to higher paying jobs. Three strong candidates for Marine Patrol positions are now in background check.
- MAC members were invited to a Christmas Party to be held on December 22, hosted by the Marine Patrol Division.

Executive MAC

- All items covered.

Operations Committee

- All items covered.

Facilities Committee

- Commissioner Reed stated that the LA Times reported a \$1 million settlement for pollution of the environment by a company that produced 7UP and RC Cola. He said that the settlement would be used for environmental causes and be rewarded to the Channel Islands, the National Forest, and the National Maritime Fishery Services in LA County. He felt the MAC should see if Long Beach could get some of that money, as the LA River and the San Gabriel River were also polluted. He said that the City Attorney should be contacted regarding this issue.

Chairman Miller asked Commissioner Reed to put a letter together and bring it back to MAC for the January meeting.

- Commissioner Hutton reported on a meeting he attended regarding the plot plan for the Seaport Marina Hotel proposal, held on November 3rd. He said that it looked to him as if the proposal included some of boatowner parking lot along Marina Drive, and included a promenade down the middle of the parking lot. He said that the MAC should go on record opposing this portion of the development.

Mark Sandoval said that he would oppose any reduction to immediate marina parking and travel in the marina lot or on Marina Drive. He said it should be agendaized for the next MAC meeting.

COMMENTS FROM THE AUDIENCE

- None

COMMENTS FROM COMMISSIONERS

- None

ADJOURNMENT

Meeting adjourned at 3:15 p.m. The next meeting is set for January 12, 2006, at 2:30 p.m. at the Long Beach Yacht Club.

cc: Phil T. Hester, Director of Parks, Recreation and Marine
City Clerk